



**REMARKS**

**Specification**

Applicant respectfully directs the Examiner's attention to the previously-submitted "Substitute Specification" filed on March 18, 2002. Applicants have reviewed this document and do not understand the basis for the objection to the Specification. Clarification, if appropriate, is respectfully requested. The previously submitted Abstract has now been amended.

**Claims**

Applicant has made several amendments to the claims remedying the syntactic and antecedent basis problems which Examiner pointed out in the Office Action dated March 10, 2005. The changes are reflected in the full listing of the claims in accordance with the revised amendment practice of 37 C.F.R. 1.121. Further, the limitations in Claim 2 have now been incorporated into Claim 1, and Claim 2 has been cancelled. Claims 1, and 3-7 are currently pending.

**Drawings**

FIGURE 1 is submitted hereby as shown in the "New Sheet" and no new matter has been introduced.

Rejection under 35 U.S.C. 102(e)

In the March 10, 2005 Office Action, Examiner rejected claims 1-7 as anticipated by Stripf et al., (U.S. Patent No. 6,263,487) under 35 U.S.C. 102(e). Accordingly, Examiner pointed out that the rejection might be overcome by a showing under 37 C.F.R. 1.132 that any invention disclosed but not claimed in the Stripf reference was derived from the inventor of this application and is not the invention "by another" as required by 35 U.S.C. 102(e).

The following is essential for the present invention:

1. Transfer of mobile program code from a (development) center to a network to be diagnosed, i.e. the target system. This transfer is carried out by means such as internet, ISDN and/or others. Transfer of the mobile program code mechanisms of inter-process communication is effected by a RPC (Remote-Procedure-Call). The mobile program code is implemented as a thread incorporating itself into the running environment of the target system, i.e. the hardware platform of the running system.

2. Migration of the mobile program code within the network to be diagnosed. Migration of the mobile program code means that the mobile program code migrates from host to host within the target system in order to accomplish its diagnosis step by step. The results of this diagnoses is reported to the (development) center. The mobile program code moves independently on the target system, reports results independently and destroys itself after having completed its task.

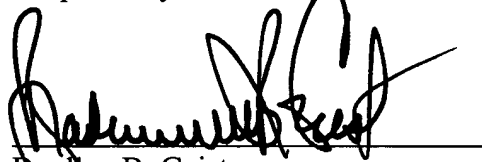
3. Cloning of the mobile program code in order to perform a parallel diagnoses. During the initiation phase, i.e. before the transfer of the mobile program code,

parameters for carrying out a parallel diagnoses, are set. The mobile program code will then proliferate autonomously with the target system in order to perform this parallel diagnoses. Autonomous proliferation means that further mobile program code is generated by the already existing mobile program code within the target system.

U.S. Patent No. 6,263,487 B1 does not disclose the function of autonomous proliferation, or cloning of the mobile program code within the target system. U.S. Patent No. 6,263,487 does not disclose a new mobile program code to be generated within the industrial installation by means of the already existing mobile program code. U.S. Patent No. 6,263,487 also does not provide any hint or indication of the foregoing, such that a person skilled in the art would be led to such an inventive feature. Column 5, lines 27 to 43 of U.S. Patent No. 6,263,487, merely describes software function blocks which are stored in a large data base which can be run on demand.

For the reasons discussed above, and further in view of the amendments made herein, Applicants respectfully request reconsideration of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley B. Geist', is written over a horizontal line.

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Enclosures

**DRAWINGS**

A **Drawing** is submitted as the attached "New Sheet".